IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 1ST AUGUST 2007 / 10TH SRAVANA 1929

WP(C).No. 16595 of 2007(A)

PETITIONERS:

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1. T.D.GEORGE, `AZAD BHAVAN',
   PULAPPATTA P.O., PALAKKAD DISTRICT.
   NOW RESIDING AT `AZAD BHAVAN', KAJIRAPPUZHA P.O.,
   PALAKKAD DISTRICT.

2. TOM JOSE, KAVALATH HOUSE,
   VAZHAYAMPURAM P.O., VIA KARAKKURISSY,
   PALAKKAD DISTRICT.

BY ADV. SRI.SUNIL CYRIAC
SMT.N.SINDHU

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE SECRETARY TO GOVERNMENT, LAND REVENUE
   DEPARTMENT, GOVT. SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR, PALAKKAD.

3. THE TAHSILDAR,
   MANNARKAD, MANNARKAD P.O., PALAKKAD DISTRICT.

BY GOVT. PLEADER SRI.M.R.SABU.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 01/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.16595 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the sale deed dtd.17.3.2007.

Ext.P2: Copy of the tax receipt dtd.17.6.2006.

Ext.P3: Copy of the building tax receipt dtd.30.3.2997.

Ext.P4: Copy of the licence deed dtd.16.4.2007.

Ext.P5: Copy of the notice dtd.27.5.2007.

Ext.P6: Copy of the representation dtd.29.5.2007.

Ext.P7: Copy of the purchase certificate issued by the Land Tribunal, Palakkad dtd.24.8.1978.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO. 16595 OF 2007 - A

Dated this the 1st day of August, 2007

J U D G M E N T

The petitioners challenge Ext.P5 Notice by which they have been directed to vacate certain lands within 24 hours. The petitioners point out that before issuing Ext.P5, no show cause notice or hearing was given to the petitioners. It is also pointed out that Ext.P5 is bereft of any details, whatsoever, regarding the properties sought to be proceeded against as per Ext.P5.

2. I have heard the learned Government Pleader also.

3. A mere look at Ext.P5 is sufficient to conclude that the same is unsustainable insofar as there is no mention whatsoever as to the properties which are the subject matter of Ext.P5.

4. In the above circumstances, I quash Ext.P5. The third respondent may, if he so wishes, issue fresh notice to the petitioners giving details of the properties

proposed to be proceeded against and grant the petitioners an opportunity of being heard which shall include opportunity to adduce evidence also. The third respondent shall, before proceeding further, pass a speaking order dealing with the contentions of the petitioners on the basis of the evidence to be adduced by them.

The writ petition is disposed of as above.

S. SIRI JAGAN,
Judge

Mbs/

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007